IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRP.No. 791 of 2002()

(THE ORDER OF THE TALUK LAND BOARD, HOSDURG IN TLB 2000/73/HOS.)

REVN. PETITIONER:

K.P.ABDUL RAHIMAN
KAMMADATH,NILESHWAR,HOSDURG,
KASARAGODE.

BY ADV. SRI.P.SREEKUMAR

RESPONDENT:

TALUK LAND BOARD BOSDURG,
REP. BY ITS CHAIRMAN,
KASARAGODE.

BY GOVERNMENT PLEADER MR.SHYSON P.MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NOS.2066/02 & 7052/02 IN C.R.P.NO.791 OF 2002

DISMISSED.

6.9.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE,J.

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C.R.P. No.791 of 2002

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Dated: 6th September, 2007

ORDER

Heard both sides. Having regard to the grounds raised, I think there is justification for setting aside the impugned order and directing reconsideration of the issue by the Taluk Land Board. The Taluk Land Board will take fresh decision after hearing the petitioner. The petitioner will be afforded opportunity to produce documents which will substantiate his contentions. Ultimately even if it is found that the petitioner is liable to surrender any land, the Land Board shall identify the land to be surrendered by the petitioner. It should be noticed that the authorised officer in his report had stated that 25 cents of land now ordered to be surrendered was under the possession of a tenant. The contention that the crucial point of time with reference to which the petitioner's liability is to be determined is the time of filing statement has some merit. This aspect of the matter will also be considered by the Land Board while taking decision.

The C.R.P. is allowed by way of remand. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**